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IT

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/764,473	01/17/01	ROCHELEAU	J 1296-015

PM82/0529

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EXAMINER

DUNWOODY, A

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 05/29/01 2

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/764,473	ROCHELEAU, JOHN W.	
	Examiner Aaron M Dunwoody	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 January 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	20) <input type="checkbox"/> Other: _____

DETAILED ACTION

Information Disclosure Statement

No Information Disclosure Statement submitted.

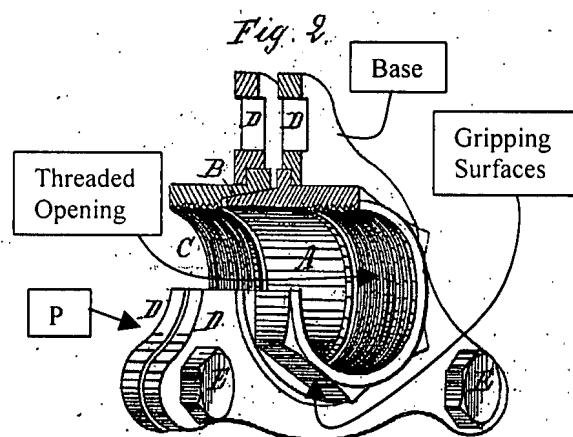
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 19818, Shaw. In figure 2 below, Shaw discloses a threaded pipe flange (P)



comprising a base portion having a predetermined shape and at least two openings (D) dimensioned to accept at least two mounting bolts; a shoulder portion (A) extending from and integral to the base portion, and the shoulder portion having two to six substantially flat gripping surfaces; at least two mounting bolts (E); and a threaded opening extending through the base and shoulder portion, and dimensioned for attachment to a predetermined threaded pipe.

The pipe flange may be attached to a predetermined threaded pipe by aligning the threaded opening with the predetermined threaded pipe, gripping the gripping surfaces of the shoulder portion, and rotating the pipe flange.

Further, it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

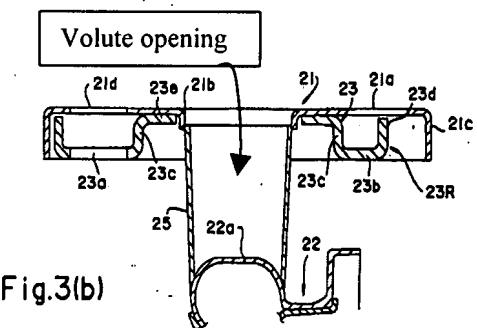
Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw. Shaw discloses the claimed invention except for a shoulder portion comprising eight gripping surfaces. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a shoulder portion comprising eight gripping surfaces, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Further, claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of US patent 2653834, Purkhiser in further view of US Patent 2412487, Amley. Shaw discloses the claimed invention except for a base portion having an elliptical or round shape. Purkhiser discloses a base portion (26) having an

elliptical shape, and Amley discloses a base portion (12) having a round shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a base portion having an elliptical or round shape, since a change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Further, claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of US patent 2653834, Purkhiser. Shaw discloses the claimed invention except for the pipe flange being manufactured of a material selected from a group consisting of malleable iron, ductile iron, brass and steel. Purkhiser teaches the pipe flange being manufactured of a material selected from a group consisting of malleable iron, ductile iron, brass and steel (column 3, lines 13-15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to select a pipe flange manufactured of a material selected from a group consisting of malleable iron, ductile iron, brass and steel , since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

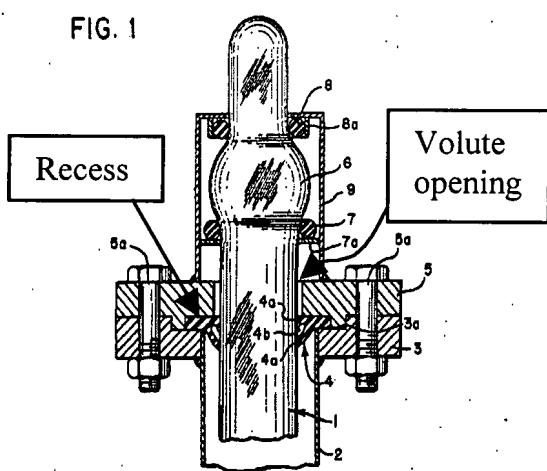
Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5133642, Kajiwara, in view of Shaw. Kajiwara discloses on a pump (not shown, but "FIG. 4 is a sectional view...of a pipe joint at the discharge side of a pump"; column 3, lines 45-47); and in figure 3b below, one volute flange (21)



comprising a volute opening, and at least two bolt openings (21a, 21b). Shaw discloses a pipe joint as discussed above in regards to claims 1-3 having the aforementioned features; "the two nuts [Shaw, reference number A] are screwed or otherwise secured onto the ends of the [threaded and not shown] pipes to be joined" (Shaw, column 1, lines 23-25). It is well known in the art to use volute flanges of the type taught by Kajiwara, and pipe joints of the type taught by Shaw to form a piping system. It would be obvious to a person of ordinary skill in the art at the time the invention was made to use Kajiwara's volute flange and Shaw's pipe joint to form a piping assembly.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajiwara in view of Shaw as applied to claims 8 and 12 above, and further in view of US patent 3998477, Delahaye. Kajiwara in view of Shaw fails to disclose a gasket disposed between the pipe flange and the volute flange, and a volute flange with a flat surface having a recessed portion surrounding the volute opening. In figure 1 below, Delahaye

FIG. 1



discloses a  gasket (4), volute flange (5),

and a flat surface (3a) having a recessed portion surrounding the volute opening to provide a "leak proof" (Delahaye, column 2, lines 17-18) connection. It would be obvious to a person of ordinary skill in the art at the time the invention was made to provide a gasket and a volute flange with a flat surface having a recessed portion surrounding the volute opening to ensure a leak proof connection.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Amley '487. Shaw discloses a threaded pipe flange consisting of a base portion having a predetermined shape and at least two openings dimensioned to accept at least two mounting bolts; a shoulder portion extending from and integral to the base portion, the shoulder portion having at least two substantially flat gripping surfaces; at least two mounting bolts; and a threaded opening dimensioned for attachment to a predetermined threaded pipe; wherein the pipe flange may be attached to a predetermined threaded pipe by aligning the threaded opening with the predetermined threaded pipe, gripping the gripping surfaces of the shoulder portion, and rotating the pipe flange. Shaw does not disclose the threaded opening extending through the base and shoulder portion.

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Amley discloses the threaded opening (17) extending through the base and shoulder portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to thread the threaded opening through its base and shoulder portion since it was known in the art that threading is useful when connecting a male threaded pipe to female threaded connector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.amd *am*
May 23, 2001


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3620